

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHARLES O. AJUZIEM,
 Plaintiff(s),
 vs.
 THOMAS PROFIT, et al.,
 Defendant(s).

Case No. 2:13-cv-01279-JAD-NJK
 ORDER

The Court issued an order for Plaintiff to either (1) file a proper proof of service showing that service of the operative complaint and summons had been completed or (2) show cause why the case should not be dismissed for failure to effectuate service. Docket No. 27. The Court has now received a response. Docket No. 28. Although not entirely clear, the response appears to show only that Plaintiff has served subpoenas on Defendants. *See, e.g.*, Docket No. 28-1 at 1-3; *see also* Docket No. 17. It does not appear that Plaintiff has served the summons and operative complaint on the Defendants, as he attaches summons for which the proof of service is left blank. *See* Docket No. 28-4.

Parties proceeding *pro se* must follow the rules of civil procedure. *See, e.g., Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995). Nonetheless, in light of the fact that Plaintiff is proceeding in this action *pro se*, the Court will provide him one final opportunity to effectuate service and file a proof of service on the docket. Plaintiff should prepare summons for each defendant in compliance with the applicable requirements as to its contents, including that

[a] summons must: (A) name the court and the parties; (B) be directed to the defendant; (C) state the name and address of the plaintiff's attorney or—if unrepresented—of the plaintiff; (D) state the time within which the defendant must appear and defend; (E) notify the defendant that a failure to appear and defend will result in a default judgment against the defendant for the relief demanded in the complaint; (F) be signed by the clerk; and (G) bear the court's seal.

Federal Rule of Civil Procedure 4(a)(1). A form summons is available as Form AO 440 on the Court's website, <http://www.nvd.uscourts.gov/Forms.aspx>.

Once Plaintiff presents the summons to the Clerk's Office, the Clerk's Office will determine whether it is properly completed and can be issued. *See* Federal Rule of Civil Procedure 4(b). At that point, Plaintiff is required to serve the summons with a copy of the operative complaint. *See* Federal Rule of Civil Procedure 4(c)(1). The means by which the summons and complaint are served must comply with the applicable procedural rules. *See, e.g.,* Federal Rule of Civil Procedure 4. Upon effectuating service, Plaintiff must file a proof of service so that the Court can be assured that service was indeed completed. *See* Federal Rule of Civil Procedure 4(l).

When a plaintiff fails to timely effectuate service, his case may be dismissed. Federal Rule of Civil Procedure 4(m).

Plaintiff is hereby **ORDERED** to complete service on the Defendants in this case and to file a proof of service indicating that he has done so no later than May 5, 2015. The failure to comply with this order will result in a recommendation that this case be dismissed without prejudice.

IT IS SO ORDERED.

DATED: February 5, 2015



NANCY J. KOPPE
United States Magistrate Judge